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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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2:04-CR-262 JCM (PAL)

8 UNITED STATES OF AMERICA,

9 Plaintiff(s),

10 v.

11 DAVID KENT FITCH,

12 Defendant(s).
13

14 ORDER

15 Presently before the court is the matter of *The United States of America v. David Kent Fitch*,
16 case number 2:04-cr-00262-JCM-PAL.

17 On September 25, 2013, petitioner David Fitch filed a motion to vacate pursuant to 28 U.S.C.
18 § 2255. (Doc. # 319). Fitch has filed two motions requesting trial transcripts free of charge in
19 connection with his § 2255 motion. (Doc. ## 320, 330).¹

20 Fitch claims he is entitled to the requested transcripts free of charge, relying on 28 U.S.C. §
21 2250, which states: “If on any application for a writ of habeas corpus *an order has been made*
22 *permitting the petitioner to prosecute the application in forma pauperis*, the clerk of any court of the
23 United States shall furnish the petitioner without cost certified copies of such documents or parts of
24 the record on file in his office as may be required by order of the judge before whom the application
25 is pending.” 28 U.S.C. § 2250 (emphasis added).
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28 ¹ The court notes that petitioner has filed each motion while still represented by counsel of record, in violation
of Local Rule IA 10-6(a).

1 A review of the record reveals that petitioner has not filed an application to proceed with his
2 petition in forma pauperis. Accordingly, until such an application is filed and approved by the court,
3 petitioner is not entitled to the requested relief.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner David Fitch's
6 motion for trial transcripts free of charge (doc. # 320) be, and the same hereby is, DENIED without
7 prejudice.

8 IT IS FURTHER ORDERED that petitioner's motion for trial transcripts free of charge (doc.
9 # 330) be, and the same hereby is, DENIED without prejudice.

10 DATED January 15, 2014.

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13 UNITED STATES DISTRICT JUDGE